

FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

May 04, 2021

SEAN F. McAVOY, CLERK

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

KEVEN JAMES LEOPARD,

Plaintiff,

v.

BENTON COUNTY
CORRECTIONS,

Defendant.

NO: 4:21-CV-5025-RMP

ORDER DISMISSING COMPLAINT
WITHOUT PREJUDICE AND
DIRECTING THAT COLLECTION
OF THE FILING FEE SHALL
CEASE

Plaintiff Keven James Leopard, a prisoner at the Benton County Jail, seeks to Voluntarily Dismiss his Complaint pursuant to Fed. R. Civ. P. 41(a), ECF No. 8. Defendant has not been served in this action. Accordingly, **IT IS ORDERED** that Plaintiff's Motion, **ECF No. 8**, is **GRANTED** and the Complaint is **DISMISSED WITHOUT PREJUDICE**.

Plaintiff also filed an affirmation, which the Court liberally construes as a motion to waive collection of the remaining balance of the filing fee in this action. The Court previously advised Plaintiff that in no event will prior partial payments be refunded to him. *See* ECF No. 6 at 13. Therefore, his request for the "refund"

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1 of \$46.66 is **DENIED**. However, for good cause shown, **IT IS ORDERED** that
2 Plaintiff's construed Motion, **ECF No. 9**, is **GRANTED** and the institution having
3 custody of Mr. Leopard shall cease further collection of the filing fee in this action,
4 cause number **4:21-CV-05025-RMP**.

5 **IT IS SO ORDERED.** The District Court Clerk is directed to enter this
6 Order, enter judgment of dismissal without prejudice, provide copies to Plaintiff
7 and **close the file**. The District Court Clerk is further directed to provide a copy of
8 this Order to the **Benton County Jail, Attn: Jail Records Sergeant, 7122**
9 **Okanogan Bldg. B, Kennewick, WA 99336**, to forward to the appropriate agency
10 having custody of Plaintiff. The District Court Clerk also shall provide a copy of
11 this Order to the Financial Administrator for the United States District Court,
12 Eastern District of Washington.

13 **DATED** May 4, 2021.

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15 *s/ Rosanna Malouf Peterson*
16 ROSANNA MALOUF PETERSON
17 United States District Judge
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